

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TONY SHAMOON,

Plaintiff,

Case No.: 4:19-cv-12781

Hon. Matthew F. Leitman

v.

RYDER TRUCK RENTAL, INC., et al.,

Defendants.

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**ORDER (1) TERMINATING AS MOOT THE PENDING MOTION TO  
DISMISS, OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT  
(ECF No. 62); AND (2) REFERRING CASE TO MAGISTRATE JUDGE  
FOR SETTLEMENT CONFERENCE**

On April 28, 2021, Defendants Ryder Truck Rental, Inc. (“Ryder”) and Kirk Lamarr Gaiter filed a motion to dismiss for failure to state a claim under Mich. Comp. Laws § 500.3135; in the same motion, Ryder alone moved, in the alternative, for summary judgment. (*See* Mot., ECF No. 62.) Defendants Anwar James Childers and Rickie E. Bryant filed concurrences with Ryder and Gaiter’s motion to dismiss, but not with Ryder’s motion for summary judgment. (*See* Childers Conc., ECF No. 63; Bryant Conc. ECF No. 76.) Plaintiff Tony Shamoon filed his response to Ryder and Gaiter’s motion on June 16, 2021. (*See* Resp., ECF No. 75.) Ryder and Gaiter filed a reply on July 12, 2021. (*See* Reply, ECF No. 79.) Childers also filed a reply. (*See* Reply, ECF No. 78.)

Ryder and Gaiter's motion was set for a hearing on December 6, 2021. (*See* Notice, ECF No. 81.) Just before the hearing, on December 3, 2021, the Court was notified that Ryder and Gaiter had settled with Shamoon. Accordingly, the Court **TERMINATES AS MOOT** Ryder and Gaiter's motion to dismiss and Gaiter's motion for summary judgment (ECF No. 62.)

On December 6, 2021, the Court convened with the remaining parties to discuss an amended briefing schedule. For reasons discussed on the record, the Court **REFERS** this case to a Magistrate Judge for a settlement conference. The deadlines for the remaining parties' motions for summary judgment are **STAYED**.

If the parties do not settle, the parties will reconvene with the Court to set an amended briefing schedule for the remaining parties' motions for summary judgment. This amended briefing schedule will include deadlines for: (1) reply briefs for the pending motions for summary judgment by Childers (ECF No. 82) and Defendants Joseph Daneesh and P&D Freightlines (ECF No. 83); and (2) full briefing for a motion for summary judgment by Bryant. Once briefing is complete, the Court will then set a hearing for all the motions for summary judgment, if necessary.

**IT IS SO ORDERED.**

Dated: December 7, 2021

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 7, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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